

ARTICLES
OF
P E A C E,
FRIENDSHIP & ENTERCOURSE,
Concluded and Agreed between
ENGLAND
AND
FRANCE,

In a TREATY at Westminster, bearing date
the Third of NOVEMBER, New Style, in the
Year of our Lord God, 1655.

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ARTICLES

OF

PEACE

FRIENDSHIP & INTERCOURSE

Between the United States of America

AND

FRANCE

IN A TREATY OF FRIENDSHIP, COMMERCE, AND CONSULAR RIGHTS, BEING THE FIRST OF THE TREATIES OF AMITY, COMMERCE, AND CONSULAR RIGHTS, BETWEEN THE UNITED STATES OF AMERICA AND FRANCE, DATED AT PARIS, THE 17TH DAY OF SEPTEMBER, 1794.

THE TREATY OF AMITY, COMMERCE, AND CONSULAR RIGHTS, BETWEEN THE UNITED STATES OF AMERICA AND FRANCE, DATED AT PARIS, THE 17TH DAY OF SEPTEMBER, 1794.

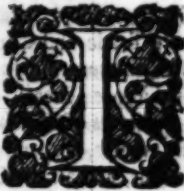
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By J. G. & J. S. B. in the City of London.

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ARTICLES of Peace, Friendship, and Entereourse, concluded and agreed between ENGLAND and FRANCE.

I.  T is agreed and concluded, That from henceforth there shall be a Firm Peace, Amity, Alliance and Confederation between the Common-wealth of *England, Scotland and Ireland*; and *France*, and all the Lands, Dominions, Cities, and Places belonging thereunto, or under their respective obedience. And the People and Subjects of each Nation may safely and freely travel in and through all the Ports, Havens, and Cities of either, as they shall think good, without any wrong or injustice to be done unto them; but rather all favour and justice, which the Judges and Officers of those places shall see duely observed.

II. Neither part shall directly or indirectly, aid or assist the already declared Rebels or Enemies of either, or their future Adherents. And if either part shall hereafter make Peace or Truce with their Enemies already so declared, the said Part, so making Peace or Truce, shall not give or yield any aid or assistance to the said Enemies or their Adherents, against the other.

III. That from henceforth all Acts of Hostility shall cease on both sides, as well upon the Sea, as at Land, Rivers, and Fresh-waters. And that all Letters of Marque or Reprizal, which have been granted by either Part against the other, either to their own People and Subjects, or to any others, shall be recalled and made void. And what shall be taken, upon any pretence after Fourteen dayes next immediately ensuing the Publication of the present Treaty, shall well and truly be restored. And if any wrong or injury be done by either Part, or by the People, Subjects, or Inhabitants thereof, against the People, Subjects or Inhabitants of the other, either against the Articles of this Treaty, or against Common Right, there shall yet no Letters of Marque or Reprizal be granted by the one, or the other, till Justice be first sought in the ordinary course of Law; and in case that Justice be either refused or delayed, then, that demand be made thereof by the supreme Power of that Commonwealth, whose People or Inhabitants have suffered the wrong, or by such as the supreme Power shall Depose. But if

within Three months after such demand made, Satisfaction be not given according to Justice, that then the said Letters of Marque or Reprizal may be granted, which yet shall not be put in execution against any Goods, Ships, or Persons in Port or Harbour, excepting such only as have committed the offence.

I V. That between the said Commonwealth, and *France*, their respective People and Subjects, as well by Land as by Sea and Fresh-waters, in all and singular their Countries, Dominions, Territories, Provinces, Cities, Towns, Villages, and all other Places in *Europe*, where Trade and Commerce hath hitherto been, there shall be free Trade and Commerce, in such sort and manner as that without any safe Conduct or Licence general, or special, the People of the said Commonwealth, and Subjects of His said Majesty, may freely, as well by Land as Sea and Fresh-waters, go, enter, and sail into the said Countries, Kingdoms and Dominions, and all the Cities, Havens, Shores, Sea-roads, Straits, Ports and Places thereof, and put themselves into whatever Havens of the same, with Carriages, Horses, Burdens, Ships laden, and unladen, to bring in Merchandises, and there to buy and sell as much as they will; And in the same places, upon just prices, to procure provision of Victuals for their sustenance and Voyages; and likewise, as occasion shall require, to repair their Shipping and Carriages. And from thence also with their Merchandises, Goods and other Commodities whatsoever, they may with like freedom depart and go to their own Countreys, or any other Places at their pleasure, without let or impediment; They, and either of them on each side, paying the Customs and Toll due and accustomed, and observing and conforming in such their Trade and Traffique, to the Laws and Ordinances of each place respectively.

V. It is also agreed and concluded, That the People and Inhabitants of the Commonwealth of *England*, *Scotland*, and *Ireland*, and the Dominions thereto belonging, may import and sell in any of the Ports, Cities, and Towns of the Dominions of *France*, all the Manufacture of Wool and Silk of the said Commonwealth, without Confiscation or penalty, Any Law, Arrest, Statute, Ordinance, or other thing to the contrary thereof notwithstanding. Provided, that the manner agreed and determined in the Thirteenth Article of the Treaty, between *James* King of *Great Britain*, and *Henry* the fourth of *France* and *Navarre*, in the year 1606, concerning Cloth ill-wrought, be still held and observed. And that the Subjects of His said Majesty may freely import and sell in any the Havens, Cities and Towns of the said Commonwealth, all sorts of Wines of the growth of *France*,

France, and all Manufactures of Wool and Silk, made, or to be made in the Kingdom of *France*, or the Dominions thereof, without confiscation or penalty to be sustained for the same; any Law, Statute, Ordinance, or other thing to the contrary notwithstanding. And that the People of this Commonwealth, and Subjects of his said Majesty, be kindly treated, and enjoy each with other the same Privileges, which other Foreigners enjoy.

VI. To the end the Customs, Tolls and Impositions may on both sides be certain and known, and also that it may appear what is to be paid of right by such as shall exercise Merchandise in either Commonwealth or Kingdom, there shall be Tables made of the Customs, Tolls and Impositions, and be set up in publick Places, as well in *London* and other Cities in the Commonwealth of *England*, as at *Roan* and other Cities in *France*, where need shall be, whereunto recourse may be had when any doubt or question of the said Customs, Tolls, and Impositions shall arise.

VII. Whereas several Taxes, Impositions, Liberties and Privileges are pretended and challenged by some Cities and Places to be due unto them and their Inhabitants, in the Dominions of both the said Confederates; It is agreed, That the Magistrates and Officers of each City shall take care, that no greater Taxes and Impositions be taken, or Liberties or Privileges used, then are allowed by the Law.

VIII. And whereas a certain Custome, not warranted by any Law, hath been introduced in some Ports of *England* and *France*, viz. That every one, for his coming in, and going out, should pay a kind of tribute, called in French, *Duchef*, and in English, *Head-money*; It is agreed, That from henceforth it be no more demanded; that so ingress and egress may be free to all, of what quality and condition soever, without exaction of any duty in respect thereof; that so, as well in this case as in others, strangers be treated in like manner with the Natives.

IX. It is also agreed, That the French Merchants trafficking in *England*, shall not be constrained to put in any other Security for the sale of their Merchandise and uttering the proceed thereof in other Commodities, then their Juratory Caution, or to procure any Prolongation or Discharge, or be lyable to any greater expences in that regard, then the Inhabitantes of the Country.

X. That the French Ships may freely arrive at the Key of *London*, and other the Ports and Places of *England*, *Scotland* and *Ireland*, and the Dominions thereof, and there be laden without any molestation; and without being compelled to unlade into other Vessels. And that the English

glish Ships may with the same Liberty, And without any let or impediment
coer any the Ports of *France*, and also use and enjoy the same privileges
and immunities there, and that in all other things, as much as may be, an
equality and liberty of Commerce be held and observed.

X. II. That the Merchants Ships of this Commonwealth, and the People
and Inhabitants thereof, which shall go up to *Bordeaux*, or enter into
the River of *Garonne*, shall not be compelled in their passage, by the Castle
of *Blay*, to take out their Ordnance, Arms or Ammunition. So also the People
and Inhabitants of the said King, shall not be compelled to under-go any such
impediment in any the Ports of *England*, *Scotland* and *Ireland*, which
shall also be observed in all the Ports of *France*, as to the People and In-
habitants of the said Commonwealth. And that the People, Subjects and
Inhabitants of the one part, shall enjoy the like, and as ample Privileges
and Immunities in the Kingdoms, Countreies and Dominions of the other,
both in Courts of Justice and Trade, as the People of any Foreign Nation in
Amity with them do, or may enjoy there.

X. III. For the further encrease of Commerce between the People and
Subjects of either Nation, it is agreed, That the Merchants and other the
People of the said Commonwealth, shall have free Liberty, and Right to
make their last Wills and Testaments, and to dispose, as they please, either
amongst the living, or in respect, or for cause of death, their merchandise,
Silver, Moneys, Debts, and all their moveable Goods, which either they
have, or ought to have, in their life, or at the time of their death, in any
the Dominions and Places of the said King; And also whether they dye
Testate, or *Intestate*, that the Heirs and Executors of them, as well inte-
stated, as named in the Testaments, or otherwise by Law assured them,
shall enjoy their Goods, according to the Laws of *England*, in what place
soever of *France* they shall dy, in such sort as that the Right of *Aubeyne*,
commonly called *Droit d'Aubeyne*, be no hinderance to them, or that
their Goods be confiscated by vertue thereof. And that the Subjects of the
French King shall have and enjoy the same liberty, freedom and privilege
in all the Dominions of the said Commonwealth. Nevertheless it is al-
ways to be understood, that the Wills and Testaments, or Successions of
Intestates, as well of the People of the said Commonwealth, as of the Sub-
jects of the said King, shall be lawfully proved in the places where the De-
cedent died, whether the same happen to be in *France*, or in the said Com-
monwealth.

XI. II. That the Inhabitants of the Islands of *Jersey* and *Guernsey*
shall

shall enjoy the same privileges and immunities in *France*, as the French enjoy in those Islands, paying on both sides the Toll & customs which are due.

XIV. That for the better preventing all depredations and wrongs for the future, It is agreed, That the Commanders and Owners of any armed Ship or Ships, belonging to the Subjects of either, which shall go forth to Sea, out of the Ports or Havens of each other, shall before their going out, give good and sufficient Security by responsible Men, not of the Ships Company, before the Judges of the Admiralty, or other Magistrates of those places whome they go, in the double value of their Ships lading, tackle and other appurtenances, for their good behaviour at Sea, and that they will not take, seize upon, or otherwise molest, or do any injury to the People or Subjects of either, their Goods, Ships or Vessels. And in case the Judges of the Admiralty, and other Magistrates aforesaid, neglect to receive Security, or shall receive insufficient Security, they shall be bound to answer in their own names for the wrongs that shall be done.

XV. Till a more certain and determinate course be taken for remedying the mischiefs and inconveniences which may arise at Sea, It is agreed, That for the space of four years, next immediatly ensuing the Ratification of this present Treaty, all Ships belonging to the People and Subjects of either, and trafficking in the *Mediterranean, East Sea, or Ocean*, be free, and make their lading free, albeit they carry in them Merchandise, yea Grain or Pulse belonging to the Enemies of either, except notwithstanding all prohibited and contraband Commodities, viz. Gunpowder, Musquets, all sorts of Arms, Munition, Horses, and Provisions of War. And that they transport not Men for the service of the Enemies of either; In which case as well the Ships as the Provision and Merchandise aboard may be lawfull prize, which also shall be severely exercised against those, who shall carry Men, Corn or Victuals into any the places besieged by either Part.

XVI. That both Parties shall straitly charge the Admirals, Vice-Admirals, and other Captains of whatsoever Ships belonging to them respectively, or bearing their Flag, or going under their respective Commissions, and in their service, That they do not seize upon, or take, or by any means molest or injure the Ships or Vessels of either, their Goods or Merchandises, or of the People and Subjects of either, but that they strictly observe and keep this Treaty and Agreement. And in case they shall do contrary hereunto, he or they so offending, shall be punished with corporall punishment, according to the nature of the offence, by that Party to whom he doth belong, and shall likewise make satisfaction for the wrong he

he hath done, if he be able; or if not able, that Confederate to whom he belongs, shall be bound to make satisfaction and reparation to the Parties wronged, within Three Months after notice given to him, and Demand made of the Wrong and Injury done. And that the Ships of War meeting with the Merchants Ships of either side, shall, whilst they steer the same course, defend them against all such as shall forcibly attempt them.

XVII. That in case the Commanders of the Ships of either Party, or the People of either, shall make any Prizes at Sea, they shall be bound within Four and twenty hours after their coming in, to deliver all their Books of Accompts, Papers, Discharges, and Bills of Lading, which they shall finde in the said Ships taken, into the hands of the Judges of the Admiralty, to the end the Party concerned may have Copies of the same; And where there is no Judge of the Admiralty, the said Papers and Acknowledgments shall be put into the hands of the Officers of those places, to be sent inclosed and sealed, to the Judges of the Admiralty. And such Mariners and Seamen which shall be found aboard any such Ships, shall not be taken out of them, nor shall Bulk be broken, or any of the Goods put on shore, without Order of the Court of Admiralty, and an Inventory made in the presence of the Parties interested, who shall have a Copy delivered unto them by the Judges.

XVIII. That the Captains or Masters of those Ships which shall make Prizes at Sea, shall not take out of the Ships, the Captain, Master, or other Officers, or any of the Mariners, unless it be for the examining some of them; And in that case they shall not take above two or three of them, who within twenty four hours shall be brought to the Judge of the Admiralty, or to the Major or Chief Officer of the place, if there be no Judge of the Admiralty there, to examine them: And after such persons have been examined and heard, which shall be within the said time, the Judge or Chief Magistrate shall set them at liberty, that they may follow their business as they shall think good; and whoever shall do contrary hereunto, shall be punished with corporal punishment.

XIX. That neither of these Confederates shall receive into any of their Harbours, Havens, Cities or Towns, or permit or suffer, that any of the People or Inhabitants of either of them respectively, do receive, keep, harbour, or give any assistance or relief unto any Pyrats or Sea-Rovers, but shall cause the said Pyrats, Rovers, and also their Receivers, Concealers and Assistants, to be prosecuted, apprehended, and condignly punished for terror to others: And all Goods, Ships and Merchandizes by them pyratcally taken, and brought

(9)
brought into the Ports of either State, that shall be found in being, yet, though they have been sold, shall be restored to the right Owners, or made good to them, or such as have their Letters of Attorney or Procurator to claim the same, due proof of the Propriety being first made in the Court of Admiralty according to Law; And such Goods as shall be recovered from them, of what nature soever, shall be brought into some Port of either State, and there committed to the custody of the Officers of the said Port, who shall be bound to answer for the same upon their own accompt. That the said Goods shall be restored to the Owners without delay, the proof of the lawful Propriety being first made before the Judges or those places where the said Depredated Goods have been laden; nevertheless, it is permitted to the said Parties accused, to make their Exceptions and Defences in Law.

X X. That neither State suffer or permit the Ships or Goods belonging to the Subjects of either, which shall at any time be taken by the Rebels of the one, or the other, by virtue or pretence of any Commission; and shall be brought into the Ports, Havens, or Places within the Dominion of either, to be alienated from their lawful Proprietors; but that they be restored to them, or to their Assigns, due proof being first made of their Propriety according to Law; And till such time as Restitution shall be by them demanded, the respective Officers of those places where the said Goods and Merchandizes are, shall be bound to take charge of them; and be accountable for them, that nothing be imbezelled or diminished.

X X I. That if the People and Subjects of either State are forced by storms, fear of Enemies, or other dangers of the Sea, to come with their Ships and Vessels into, and cast anchor in any of the Ports of each other, they shall have free liberty to depart again without paying any Duty for the coming in, or going out of their Merchandize; provided that they break not Bulk, nor expose any thing to sale: And provided, that upon their arrival, they give notice to the Magistrates and Officers of that place, of the occasion of their coming in to the said Harbours, and shall, so soon as the said danger is removed, depart again out of the said Harbour.

X X I I. That the People and Inhabitants of the said Commonwealth, may with all safety and freedom Sail and Trade in all the Kingdoms, States and Countries which are, or shall be in Peace, Amity or Neutrality with the said Commonwealth, and shall not be molested or interrupted in the said

Freedom by the Ships or Subjects of the said King, although there be, or shall be hereafter Enmity or Hostility between the said King and such Kingdoms, States and Countries, or any of them; And the same shall likewise be observed by the said Commonwealth, in regard of the Subjects and Inhabitants of *France*: Provided, That they trade not to any Port or Town besieged by either of the Confederates: And provided, that neither of the said Parties, or their respective People and Subjects, do carry any Contraband Goods into the Kingdoms or Countries which are in Enmity or Hostility with either: And that the Fifteenth Article touching Prohibited and Contraband Goods, and touching Towns and Places besieged, be held and observed on both sides.

XXIII. That as well the one Part as the other, shall cause good, speedy and impartial Justice according to Law and Equity, to be done and administered to the People of the other, in all Cases depending, or that shall hereafter depend in their respective Dominions and Countries: And that all former Sentences and Agreements made and obtained by either Party, or the People and Subjects of either in each others Countries for their respective Advantage, shall stand in force, and speedy Justice shall be done in the execution thereof, but yet without prejudice to those who prosecute their Right.

XXIV. And whereas from the year 1640, many Prizes have been made at Sea, and sundry Damages done to the People and Subjects of either Nation, It is agreed, That immediately after Ratification of this present Treaty, Three Commissioners be nominated on either side, sufficiently authorized and impowered to Consider, Examine, Estimate and Liquidate all such Prizes and Damages, and to determine and award Satisfaction and Repayment thereof, according to the Claims and Demands which shall be exhibited to them by either Party, their People and Subjects, within Three moneths time after Publication of the present Treaty; For which purpose the said Commissioners shall assemble here in *London* within Six weeks after the said Publication, and shall, if it may be, Determine the said Differences within Five moneths next ensuing: And if the said Commissioners shall not come to an Agreement within the space of Six moneths and Two weeks aforesaid, then the said Differences which shall remain undetermined, shall be referred, as by these Presents they are referred, to the Arbitration of the Commonwealth of *Hamburg*, to be determined within Four moneths, to be reckoned from the expiration of the time allotted to

the Commissioners aforesaid ; And that the said Commonwealth of *Hamburg* shall be desired, and is by these Presents desired to take upon them that Arbitration, and appoint Commissioners to meet in such convenient place as they shall agree upon, and give Judgement concerning the premises : And whatsoever the said Arbitrators or Commissioners shall Award and Determine, shall oblige both Parties, and within six moneths next following be performed accordingly ; yet in case as well the said Commissioners nominated on both sides, as the said Arbitrators, shall not determine the said Differences within the times before limited, none shall be thereupon molested, nor the aforesaid Letters of Marque be revived, nor any new ones granted within the space of four moneths after expiration of those four moneths before limited to the Commonwealth of *Hamburg*, for determination of the said Differences.

XX V. And whereas the Lord Ambassador of his said Majesty, hath demanded Restitution of the three Forts lately taken in *America*, together with the Goods found in them, *viz. De Pemptia coast, S. Jean, and Port Royal* ; And whereas the Lords Commissioners of his Highness did alledge sundry Reasons, for which they ought to be retained ; It is agreed, That this Controversie be referred, as by these Presents it is referred to the same Commissioners and Arbitrators, to be determined in the same maner and time, to whom the Damages done to either side since the year, 1640, are referred in the preceding Article.

XX V I. That for the better Encouragement of the People of each Nation to exercise Commerce, It is agreed, That if there shall happen any War between the said Commonwealth and Kingdom, there shall be given unto the Merchants, after the Declaration of the War in the City and Towns, where they shall be, six months time to sell and transport their Goods and Merchandizes, and if any thing be taken from them, or injury done unto them in that time by either Party, or the People or Subjects of either, full Reparation and Satisfaction shall be given.

XX V I I. That in case anything shall be acted or attempted by any of the People, Subjects or Inhabitants of either Part, against this Treaty, or any part thereof, either by Land or Sea, or other Waters, This Amity, Confederation and Alliance shall not be interrupted or broken off, but shall remain and continue in full power ; only in such Cases, the particular persons which have offended, shall be punished, and no others : And that Justice shall be done, and Satisfaction made to all persons concerned, within Twelve moneths after demand thereof made, upon all such persons who

...shall be confiscated and imprisoned to a full satisfaction for the wrong by them done, and their persons be liable to further punishment, when they shall come within the power of either State, as the quality of their offence shall deserve.

XIX. V. I. Lastly, it is agreed, That the present Treaty, and all and singular the matters and things therein contained and agreed on, shall within Fifteen dayes next ensuing, or sooner if it may be, be confirmed and ratified in due and authentick form by both parties, by their Letters Patent under their Great Seals, and that Instruments of Ratification shall be delivered interchangeably, within the time aforesaid: And furthermore, that this Treaty and Consideration shall immediately after Delivery of the Instruments, be published according to the usual Solemnity, and in the place accustomed.

FINIS

